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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,801

12/23/2006

Antony Course

4833

60333

7590

04/03/2008

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EXAMINER

SZABO, STEPHEN J

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,801	Applicant(s) COURSE, ANTONY	
	Examiner STEPHEN SZABO	Art Unit 4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 18 invokes the sixth paragraph of 35 U.S.C. 112. It suggests a means for preventing said ball from hitting said screen and a ball sensing means for detecting motion of said ball.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21-24 and 27-31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21-24 and 27-31 fail to further limit claim 18 as claim 18 suggests means for preventing said ball from hitting said screen and a ball sensing means for detecting motion of said ball which is defined within the applicant's specification as that which is claimed in claims 21-24 and 27-31.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,846,139 to Bair et al. in combination with U.S. Patent 5,221,082 to Curshod.**

6. Regarding claim 18, Bair teaches an interactive ball game using software for playing an existing computerized ball game, which a ball projected by a player provides input for said interactive ball game which would otherwise be provided by a display control device, said interactive ball game comprising: a ball; a screen upon which said interactive ball game is displayed, said screen acting as a target for said ball (see Figure 1 below); means for preventing said ball from hitting said screen (one having ordinary skill in the art at the time the invention was made would know that since the screen being used in the invention may be expensive and/or easily damaged, a preventative measure should be taken to protect it to prevent high overhead costs for the operator or owner of the device. Curshod teaches a method such as this using a net – see Figure 2 below); and, ball sensing means for detecting motion of said ball as said ball passes through said ball sensing means, said ball sensing means including software for determining trajectory of said ball and a player's level of success in said interactive ball game relative to said target (see Figure 1 below).

7. Regarding claim 19, Bair teaches the interactive ball game according to Claim 18 (see argument in paragraph 6 supra), wherein said screen is static (see Figure 1 below).

8. Regarding claim 20, Bair teaches the interactive ball game according to Claim 18 (see argument in paragraph 6 supra), wherein said screen is an interactive video display responsive to characteristics of a particular game (see Figure 1 below).

9. Regarding claim 21, Bair teaches the interactive ball game according to Claim 18, wherein said means for preventing said ball from hitting said screen is a mesh

forming a net placed in front of said screen through which said screen is visible to the player (see argument in paragraph 6 supra).

10. Regarding claim 22, Bair teaches the interactive ball game according to Claim 21 (see argument in paragraph 9 supra), wherein said net is translucent (one having ordinary skill in the art at the time the invention was made would know to try using a translucent net since there are only a finite number of types of nets and using any of them would accomplish the same predictable result).

11. Regarding claim 23, Bair teaches the interactive ball game according to Claim 21 (see argument in paragraph 9 supra), wherein said net has a lower edge, adjacent with a lower edge of said screen, with an elongate member attached thereto via elastic members to a surface between said screen (one having ordinary skill in the art at the time the invention was made would know that having the ball return to the player due to the net being designed in such a way as to direct the ball back towards the player is very common in the art. The particular design as disclosed by the applicant is a matter of design choice since any other design would perform equally well).

12. Regarding claim 24, Bair teaches the interactive ball game according to Claim 23 further comprising a ramping component, wherein said lower edge of said net is connected to said ramping component between said ramping component and said surface (see argument in paragraph 11 supra).

13. Regarding claim 25, Bair teaches the interactive ball game according to Claim 18 (see argument in paragraph 6 supra), further comprising a housing in which said interactive ball game is enclosed (see Figure 1 below).

14. Regarding claim 26, Bair teaches the interactive ball game according to Claim 25 (see argument in paragraph 13 supra), wherein said housing is a framework covered in a "see through" mesh material (it would have been obvious to one having ordinary skill in the art at the time the invention was made to make use a mesh material covering a framework, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23 (CCPA 1952)).

15. Regarding claim 27, Bair teaches the interactive ball game according to Claim 18, wherein said means for preventing said ball from hitting said screen is a mesh forming a net placed in front of said screen through which said screen is visible to the player, and wherein said ball sensing means includes an array of sensors located in front of said net (see argument in paragraph 6 supra and Figures 1 and 2 below).

16. Regarding claim 28, Bair teaches the interactive ball game according to Claim 27 (see argument in paragraph 15 supra), wherein said ball sensing means includes a plurality of said array of sensors located in front of said net, with each said array of sensors of said plurality of said array of sensors being separated from one another by a predetermined distance (see Figure 1 below).

17. Regarding claim 29, Bair teaches the interactive ball game according to Claim 27 (see argument in paragraph 15 supra), wherein said array of sensors includes a rectangular frame having individual sensors located on an inner surface of said rectangular frame (see Figure 1 below).

18. Regarding claim 30, Bair teaches the interactive ball game according to Claim 18 (see argument in paragraph 6 supra), wherein said ball sensing means includes sensors that are infra-red transmitters and receivers (IR receivers are positioned around the first, second and third detection planes – column 2, lines 60-61).

19. Regarding claim 31, Bair teaches the interactive ball game according to Claim 18 (see argument in paragraph 6 supra), wherein said ball sensing means is capable of sensing passage of said ball in a plurality of planes (see Figure 1 below).

20. Regarding claim 32, Bair teaches the interactive ball game according to Claim 18 (see argument in paragraph 6 supra), further comprising a housing in which said interactive ball game is enclosed (see Figure 1 below) and an alarm for ensuring that said ball does not leave said housing without a player obtaining authorized access to remove said ball from said housing (one having ordinary skill in the art at the time the invention was made would know that because continual purchase of balls for use in the specified invention would be expensive and tedious, an alarm or some kind of notification device to prevent theft and loss of balls would be obvious and beneficial to use).

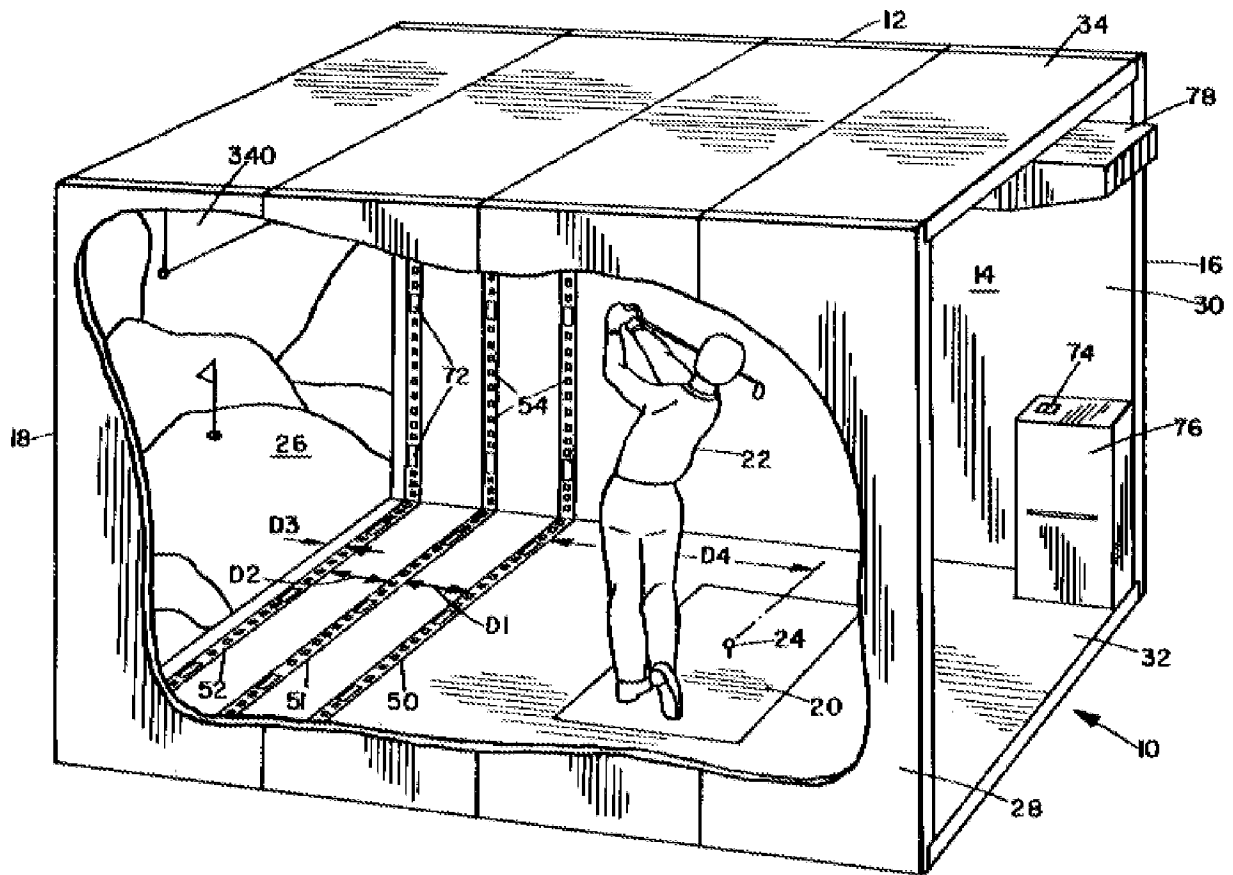


Figure 1

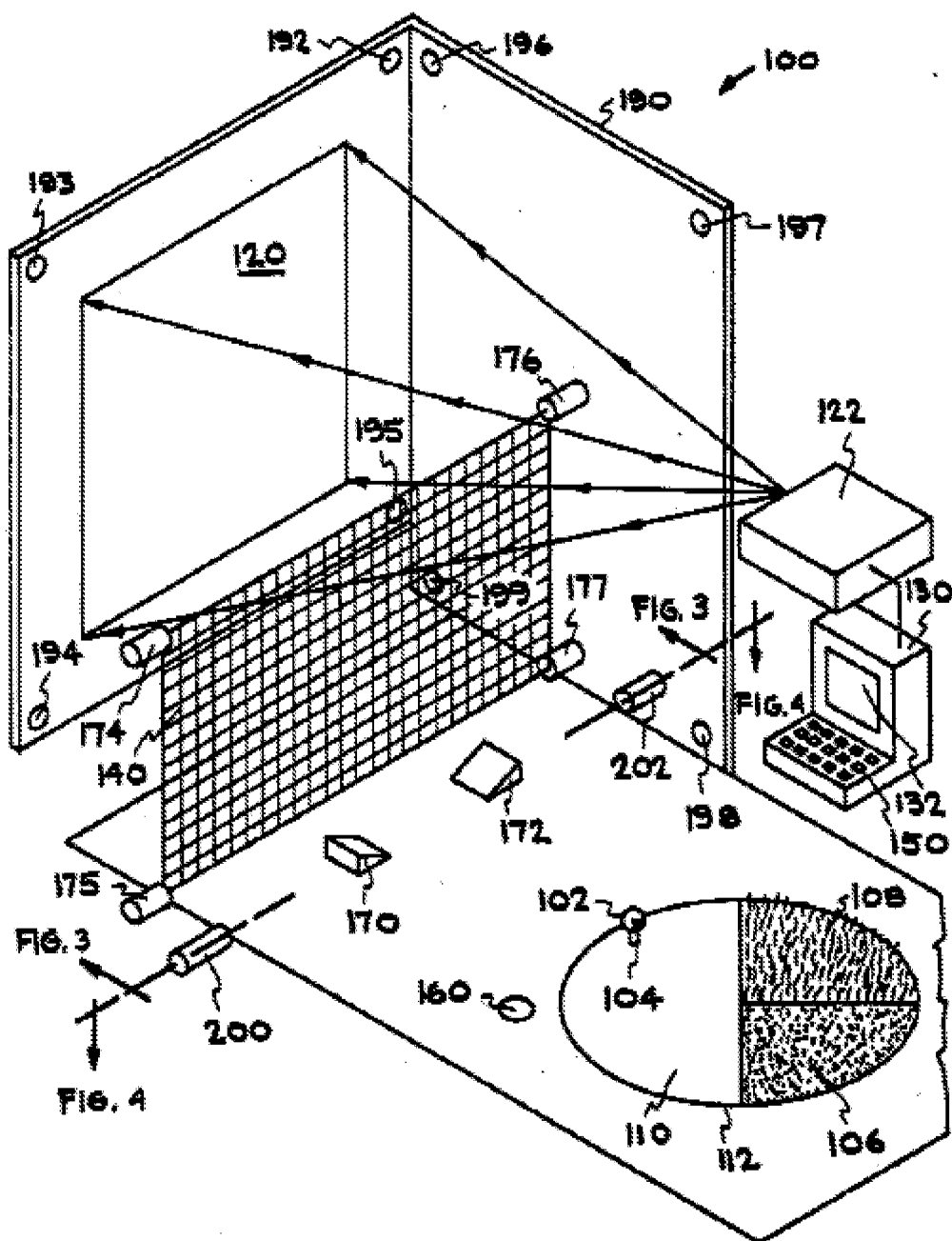


Figure 2

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,778,064 to Nutter

U.S. Patent 4,070,018 to Hodges

U.S. Patent 4,150,825 to Wilson

U.S. Patent 4,805,917 to Cochran et al.

U.S. Patent 5,472,205 to Bouton

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN SZABO whose telephone number is (571)270-3995. The examiner can normally be reached on Mon-Fri (alternate Fri off) 9 a.m. - 4 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Primary Examiner, Art Unit 3725

Stephen Szabo
Examiner
Art Unit 4156